



## UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/618.803         | 07/14/2003             | Linda Najdek          | 98.22US-CON            |

Estee Lauder Companies  
 125 Pinelawn Road  
 Melville, NY 11747

CONFIRMATION NO. 5789

## FORMALITIES LETTER



\*OC000000015165110\*

Date Mailed: 02/11/2005



## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

03/04/2005 AWONDAF1 00000033 051320 10618803

01 FC:1051 130.00 DA

P. Phuong

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**ESTÉE LAUDER COMPANIES**

155 Pinelawn Road

Greenway Plaza

Suite 345 South

Melville, NY 11747

**FAX COVER SHEET**

DATE: March 2, 2005

TIME: 12:21 p.m.

TO: USPTO  
Response to Notice to File Missing PartsPHONE: (703) 308-1202  
FAX: (703) 746-4060FROM: Dorene M. Price  
Reg. No.: 43,018  
Legal DepartmentPHONE: (631) 414-6087  
FAX: (631) 531-1340Number of pages including cover sheet: ( 11 )**MESSAGE:**Serial No.: 10/618,803  
Attorney Docket No.: 98.22US-CONFiling Date: JULY 14, 2003  
First Inventor: NAJDEK, et al.**Attached are the following Documents:**

1. Fax Cover Sheet - 1 page
2. Transmittal Form - 1 page
3. Fee Transmittal for FY 2005 (1 page - 2 copies)
4. Notice to File Missing Parts (2 pages)
5. Copy of Declaration (4 pages)
6. Cover Letter Accompanying Copy of Declaration (1 page)

RECEIVED  
MAR - 3 2005  
OIPE/JCWS

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PTO/SB/21 (09-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|  |                      |                                       |
|--|----------------------|---------------------------------------|
| <b>TRANSMITTAL FORM</b>                                  | Application Number   | 10/618,803                            |
|  | Filing Date          | JULY 14, 2003                         |
|  | First Named Inventor | NAJDEK, et al.                        |
|  | Art Unit             | 1615                                  |
|  | Examiner Name        | TBA                                   |
| (to be used for all correspondence after initial filing) |                      |                                       |
| Total Number of Pages in This Submission                 | 11                   | Attorney Docket Number<br>98,22US-CON |

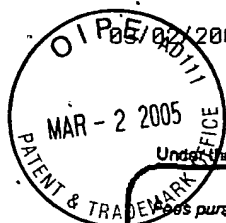
| ENCLOSURES (Check all that apply)   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input checked="" type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input checked="" type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify<br>below): Reply to Missing Parts includes<br>-Notice to File Missing Parts (2 pgs)<br>-Copy of Declaration (4 pgs-SIGNED)<br>-Cover Ltr Accompanying Declaration (1 pg)<br>-Fax Cover (1 pg) |
| Remarks   |   |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                        |          |        |
|--|------------------------|----------|--------|
| Firm Name                                  | ESTEE LAUDER COMPANIES |          |        |
| Signature                                  | <i>Dorene Price</i>    |          |        |
| Printed name                               | DORENE M. PRICE, ESQ.  |          |        |
| Date                                       | March 2, 2005          | Reg. No. | 43,018 |

| CERTIFICATE OF TRANSMISSION/MAILING   |                            |      |               |
|---|----------------------------|------|---------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: |                            |      |               |
| Signature   | <i>Victoria T. Palumbo</i> |      |               |
| Typed or printed name   | VICTORIA T. PALUMBO        | Date | March 2, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



05/07/2005 13:46

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ESTEE LAUDER

PAGE 03/11

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2008. OMB 0851-0032

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004,  
Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**  
**For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130

**Complete if Known**

|                      |                |
|----------------------|----------------|
| Application Number   | 10/618,803     |
| Filing Date          | JULY 14, 2003  |
| First Named Inventor | NAJDEK, et al. |
| Examiner Name        | TBA            |
| Art Unit             | 1615           |
| Attorney Docket No.  | 98.22US-CON    |

**METHOD OF PAYMENT (check all that apply)**

- ☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_
- ☒ Deposit Account Deposit Account Number: 05-1320 Deposit Account Name: Estee Lauder Companies
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   |                |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    |                |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   |                |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     |                |

**TOTAL:**  
**\$130****2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

| Fee (\$) | Small Entity Fee (\$) |
|----------|-----------------------|
| 50       | 25                    |

Each independent claim over 3 (including Reissues)

|     |     |
|-----|-----|
| 200 | 100 |
|-----|-----|

Multiple dependent claims

|     |     |
|-----|-----|
| 360 | 180 |
|-----|-----|

| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|----------|---------------|
|--------------|--------------|----------|---------------|

|              |   |   |  |
|--------------|---|---|--|
| - 20 or HP = | x | = |  |
|--------------|---|---|--|

HP = highest number of total claims paid for, if greater than 20.

| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
|---------------|--------------|----------|---------------|
|---------------|--------------|----------|---------------|

|             |   |   |  |
|-------------|---|---|--|
| - 3 or HP = | x | = |  |
|-------------|---|---|--|

HP = highest number of independent claims paid for, if greater than 3.

| Multiple Dependent Claims | Fee (\$) | Fee Paid (\$) |
|---------------------------|----------|---------------|
|---------------------------|----------|---------------|

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
|--------------|--------------|--|----------|---------------|

|         |        |                                |   |  |
|---------|--------|--------------------------------|---|--|
| - 100 = | / 50 = | (round up to a whole number) x | = |  |
|---------|--------|--------------------------------|---|--|

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

| Fees Paid (\$) |
|----------------|
|----------------|

Other (e.g., late filing surcharge):

Late Oath or Declaration Surcharge

|       |
|-------|
| \$130 |
|-------|

**SUBMITTED BY**

|                   |                       |                                   |        |                          |
|-------------------|-----------------------|-----------------------------------|--------|--------------------------|
| Signature         |                       | Registration No. (Attorney/Agent) | 43,018 | Telephone (631) 414-6087 |
| Name (Print/Type) | DORENE M. PRICE, ESQ. |                                   |        | Date March 2, 2005       |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Attorney Docket No.: 98.22US-CON

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Najdek, et al.

Serial No.: 10/618,803

Group Art Unit: 1615

Filed: July 14, 2003

Examiner: TBA

For: Dual Phase Cosmetic Composition

**COVER LETTER ACCOMPANYING DECLARATION  
UNDER 37 CFR 1.63(d)(1)(iv)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith a copy of a Declaration from a prior application Serial No. 09/074,051 to the above-referenced application Serial No. 10/618,803, the continuation application, in accordance with 37 CFR 1.63(d)(1)(iv). The copy of the declaration is labeled with the application number of the continuation application (Serial No. 10/618,803). No new matter has been added relative to the prior application (Serial No. 09/074,051).

It is believed that a fee of \$130.00 is due to file the enclosed copy of the Declaration in response to the Notice to File a Missing Parts. Accordingly, please charge the fee to Deposit Account No. 05-1320. Please charge any additional fees, or credit any overpayment, to this deposit account as well. A duplicate of this sheet is also enclosed.

Respectfully submitted,

Dated: March 2, 2005

Dorene Price (Reg. No. 43,018)  
Estee Lauder Companies  
155 Pinelawn Road  
Suite 345 South  
Melville, NY 11747  
(631) 414-6087